

UNITED STATES DISTRICT  
COURT WESTERN DISTRICT  
OF TEXAS SAN ANTONIO  
DIVISION

SCOTT LOUIS PANETTI,

Petitioner,

-VS-

**BOBBY LUMPKIN,**

Director,  
Texas Department of  
Criminal  
Justice, Correctional  
Institutions  
Division,

Respondent.



CIVIL NO. 1:04-cv-0042-RP  
\*CAPITAL CASE\*

Petitioner Scott Louis Panetti submits, below, his witness list in advance of the evidentiary hearing to be held by this Court on October 24, 2022.

Panetti expects the following witnesses to testify in his case-in-chief, on rebuttal, or both.

1. Dr. Shawn Agharkar, M.D.: Dr. Agharkar is a forensics psychiatrist. He will offer opinions, consistent with his written report, about Panetti's illness and whether he is competent to be executed. He may also opine about the medical condition of schizophrenia generally and offer responsive testimony to the Director's witnesses.

2. Dr. Stephen Marder, M.D.: Dr. Marder is a psychiatrist specializing in the treatment of schizophrenia. He is the Vice Chair for Education and the Director of the Section on Psychosis at the UCLA Semel Institute for Neuroscience. Dr. Marder will provide testimony, consistent with his report, about the normal course of schizophrenia and whether Panetti's historical and current presentation are consistent with that. He may also offer responsive testimony to the Director's witnesses.
3. Mark D. Cunningham, Ph. d, ABPP: Dr. Cunningham is a forensics psychologist. He will testify, consistent with his report, about Panetti's mental condition in 2004. He may offer opinions about Dr. Shawn Agharkar's 2022 evaluation. He may also offer responsive testimony to the Director's witnesses.
4. Jacqueline Maenius Ms. Panetti is Scott Panetti's younger sister. She will testify about the historical course of Panetti's illness and her recent visit and conversations with Scott.
5. Stephanie N. Jackson: Jackson, M.A.: Jackson is a mental health professional employed by University of Texas Medical Branch. She will testify about her observations of Panetti during routine mental health assessments.
6. Sgt. Shaw Dorman, TDCJ employee. Dorman may offer testimony regarding his observations of Panetti at Polunsky Unit.
7. Sgt. Amanda Maddox, correctional officer. Maddox may offer testimony regarding her observations of Panetti at Polunsky Unit.
8. Sgt. Ashley Guidry, TDCJ employee. Guidry may offer testimony regarding her observations of Panetti and Polunsky Unit.
9. Steven Pena, correctional officer. Pena may offer testimony regarding his observations of Panetti at Polunsky Unit.
10. Karen Woodley, correctional officer. Woodley may officer testimony regarding her observations of Panetti at Polunsky Unit.
11. Alice Moriarty, correctional officer. Moriarity may offer testimony

regarding her observations of Panetti and Polunsky Unit.

12. Effie Vincent, correctional officer. Vincent will testify regarding her observations of Panetti both at Polunsky Unit and during a recent transport for medical care.
13. William Turner, correctional officer. Turner will testify regarding his observations of Panetti during a recent transport for medical care.
14. Lola Reescano, correctional officer. Reescano will testify regarding her observations of Panetti during a recent transport for medical care.
15. C.F. Hazlewood, deputy director of Religious Services for TDCJ. Hazlewood may testify about his interactions with Panetti at Polunsky Unit.
16. Marley Watson, correctional officer. Watson may testify about her interactions with Panetti at Polunsky Unit.
17. Shaun Munson, correctional officer. Munson may testify about his interactions with Panetti at Polunsky Unit.
18. Chaplain Joaquin Gay. Gay may testify about his interactions with Panetti at Polunsky Unit.
19. Chaplain Russell Martin. Martin may testify about chaplain visitation policies at Polunsky Unit.
20. Cpt. Nita Neyland. Cpt. Neyland may testify about her interactions with Scott Panetti at Polunsky Unit.
21. Melodye Nelson, former major at Polunsky Unit. Nelson may testify about her interactions with Panetti at Polunsky Unit.
22. Sgt. Brian Peterson. Peterson may testify about a 2021 medical transport of Panetti.
23. Sgt. Rachel Barker. Barker may testify about her interactions with Panetti and about a 2021 medical transport.

24. Sgt. Scott Grimm. Grim may testify about his interactions with Panetti at Polunsky Unit.

25. Sgt. Mathew Ruble. Ruble may testify about his interactions with Panetti at Polunsky Unit.

26. Warden Daniel Dickerson, Polunsky Unit, who may testify about his knowledge of or interactions with Panetti.

Panetti reserves the right to call additional witnesses that may be required for rebuttal to any testimony or evidence put on by the Director or to authenticate or provide a foundation for other evidence.

Respectfully submitted,

/s/ Gregory W. Wiercioch

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### **CERTIFICATE OF SERVICE**

I certify that, on September 30, 2022, I electronically filed this notice with the Clerk of the Court for the U.S. District Court for the Western District of Texas, using the electronic case-filing system. A “notice of Electronic Filing” was sent to Counsel for Respondent at the following email address:

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/s/ Gregory W. Wiercioch